

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN EMPIRE SURPLUS LINES
INSURANCE COMPANY, *as Assignee*,

Case No. 1:23-cv-436 (PGG)

Plaintiff,

NOTICE OF MOTION

-against-

SCHAEFER ENTERPRISES, INC.

Defendant.
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PLEASE TAKE NOTICE that upon the Declaration of Brett A. Scher, dated June 23, 2023, the exhibits attached thereto, the accompanying Memorandum of Law, and upon the pleadings and proceedings had herein, Defendant Schaefer Enterprises, Inc. ("Schaefer") will move this Court, before the Honorable Paul G. Gardephe, at the United States Courthouse for the Southern District of New York, 40 Foley Square, New York, NY 10007, for an Order:

- a. Pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Plaintiff's Amended Complaint in its entirety; and
- b. Granting Schaefer such other and further relief as the Court deems just.

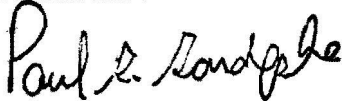
Dated: Woodbury, New York
June 23, 2023

KAUFMAN DOLOWICH & VOLUCK, LLP

By: /s/ Brett A. Scher

MEMO ENDORSED: The Clerk of Court is directed to strike Dkt. Nos. 34-36 and to terminate the motion pending at Dkt. No. 34. In accordance with this Court's individual rules of practice, Defendant will re-file its motion once it is fully briefed.

SO ORDERED.



Paul G. Gardephe
United States District Judge

Date: June 27, 2023